THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20384 of 2007

Date:26-09-2007

Between:

Kommineni Chandra Sekhar

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Petitioner

AND

The Govt. of A.P. rep. By its Principal Secretary, Hyderabad and two others

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in interfering with the possession of the petitioner's property in Plot No.205, Sy.No.5/3 situated at Raidurg Panmaktha village, Serilingampally mandal and municipality, Ranga Reddy District, as illegal and arbitrary and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the said property of the petitioner.

It is the case of the petitioner that he has purchased plot bearing No.205 in Sy.No.5/3 admeasuring 500 square yards situated at Raidurg Panmaktha village, Serilingampally mandal and municipality, Ranga Reddy District from K. Ashok Rao, P.Vidya Sagar Rao and P.Sangameswara Rao under registered sale deed bearing document No.9015/2003, dated 17.07.2003. It is stated that the petitioner has constructed a house and house number was also given as 5-85/205. It is further stated that admittedly the Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division filed Land Grabbing Case No.13 of 2004 before the Special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad against the vendor of the petitioner and several others claiming that the entire land in Sy.No.5 admeasuring Ac.153.02 guntas and the said survey number was bifurcated and recorded as Sy.No.5/1 for an extent of Ac.49.00 guntas, Sy.No.5/2 for an extent of

Ac.25.00 guntas, Sy.No.5/3 for an extent of Ac.75.00 guntas and Sy.No.5/4 for an extent of Ac.2.00 guntas.

Admittedly, the said LGC No.13 of 2004 is pending on the file of the said Special Court. It is stated that though the LGC No.13 of 2004 is pending, the respondents are threatening the petitioner to dispossess him without giving any notice and without following the due procedure of law.

The learned Government Pleader for the respondents submits that the respondents are not taking any steps to dispossess the occupants in Sy.Nos.5 or 5/3, but they are only preventing the illegal occupations or encroachments in the adjacent land bearing Sy.No.46 of Raidurg Paigah village which is a government land against which a special leave petition is pending before the Apex Court.

I am of the opinion that if the petitioner has already constructed a house and residing therein, as long as the LGC No.13 of 2004 is disposed of by the Special Court, the petitioner shall not be dispossessed from the said house. However, the vendor of the petitioner being party to the said LGC No.13/2004, I am of the opinion that the petitioner is also bound by the judgment of the Special Court whether he is impleaded on his own or at the instance of the government. It is also open for the petitioner to get himself impleaded or by the respondents in the said land grabbing case.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioner from Plot No.205 in Sy.No.5/3 of Raidurg Panmaktha village, Serilingampally mandal and municipality, Ranga Reddy District as long as L.G.C.No.13 of 2004 pending on the file of the Special Court under A.P. Land Grabbing (Prohibition) Act is disposed of. No costs.

V.ESWARAIAH, J.

Date:26.09.2007
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